

Application No. 10/783,179

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REMARKS

Claims 1, 4, 5, 9, 11-20 and 23-32 remain in this application. Claims 4, 18 and 27 have been amended. Claims 1, 12, 18 and 27 are independent claims.

A. Allowable Subject Matter

Applicant notes with appreciation that claims 1, 4, 5, 9, 11-20 and 23-26 were identified as containing allowable subject matter. Only claims 4 and 18 were objected to and only claims 27-32 were rejected. In response, Applicant proposes the amendments to claims 4, 18 and 27 for reasons that will be described below.

B. Claim Objections

Claim 4 was objected to because it was dependent upon a cancelled claim. Appropriate correction was required in the Office action. Therefore, Applicant has amended claim 4 to change its dependency to independent claim 1.

Claim 18 was objected to because the claim included the word "a" between the words "said" and "driver" in line 19 of the claim. Again, appropriate correction was required. In response, claim 18 has been amended to delete the word "a" from line 19. In addition, line 16 has been amended to correct the spelling of the word "separate."

The proposed amendments to claims 4 and 18 do not add new subject matter. The amendments are proposed in order to correct errors identified by the Examiner. Applicant respectfully requests that the amendments be entered.

C. Claim Rejections

Claims 27-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al. in view of Ferguson et al. and further in view of Witt et al. In response, independent claim 27 has been amended to further distinguish the claimed invention from the cited prior art. Reconsideration of the claim in view of the proposed amendment is requested.

Independent method claim 27 has been amended to be consistent with system claim 18. Claim 27 now includes emitting both timed pulses of first light and timed pulses of second light toward a dichroic mirror of a windshield. The light source for the first light is positioned such that the first light is reflected toward an anticipated location of a face of the driver of the motorized vehicle. The second light also reflects from the dichroic mirror toward the anticipated location of the face, but at an angle greater than illumination by the first light. The first and second pulsed light sources are controlled to provide alternating emissions of the first and second light. The method further includes providing a detector positioned to receive reflected first light and reflected second light from the windshield. The detector is controlled to form separate frames of back-reflected first light and back-reflected second light. Information regarding the driver is determined on the basis of differences between the frames of back-reflected first light and back-reflected second light. The motorized vehicle is selectively enabled on the basis of whether the driver is authorized.

It is respectfully submitted that since claim 27 has been amended merely to place the claim in a condition consistent with the invention as described in system claim 18, no new matter has been added. The amendment was not previously submitted, since the statement of reasons for the indication of allowability of claim 18 was received only upon the final Office action. Entry of the amendment is respectfully requested.

Applicant asserts that none of the prior art references teaches or suggests the features described in amended claim 27. None of the three prior art references was cited for teaching emitted timed pulses of both first light and second light, with the light sources being controlled to provide alternating emissions of the first and second light and with a detector being controlled to form separate frames of back-reflected first light and back-reflected second light. Reconsideration of the claims is requested.

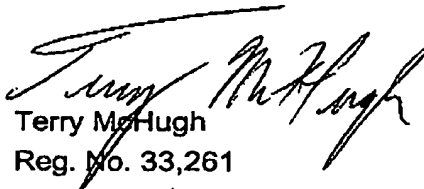
Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited. In the case that any issues regarding this application can

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be resolved expeditiously via a telephone conversation, Applicant invites the Examiner to call Terry McHugh at (650) 969-8458.

Respectfully submitted,

  
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